IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12352 of 2000

Between:

B Shafiullah, S/o Basheer Sab,
R/o Azadnagar, Hindupur, Ananthapur District

..... PETITIONER

AND

The Regional Transport Officer
Hindupur, Ananthapur District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction particularly one in the nature of Writ of Certiorari by calling for the records from the file of the respondent in Memo No. C.N.3535/A1/2000 and quash its order dt. 30/6/2000 made therein, directing the Petitioner to increase the seating capacity of his bus K.S. 06/6362 from 38 to 48 in all with a direction to transfer the above bus with 38 seating capacity to the petitioner immediately.

Counsel for the Petitioner:MR.T.VENKATA RAMANA

Counsel for the Respondent: GP FOR TRANSPORT

The Court made the following O R D E R:

The petitioner, who is the purchaser of bus bearing No.K.A.06/6362, when applied for transfer of ownership of the vehicle, the respondent issued the impugned memo dated 30.06.2000 instructing to increase the seating capacity of the vehicle and produce the vehicle. This Court in a batch of cases held that Rule 334 of A.P.Motor Vehicle Rules, 1989, is not applicable for the vehicles registered on or before 01.09.1989. In that view of the matter, the impugned memo to the extent of directing the petitioner to increase the seating capacity is set aside and the respondent is directed to consider the application without insisting for seating capacity.

Accordingly, the writ petition is disposed of. No costs.

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23.06.2005

usd

To

1 The Regional Transport Officer
Hindupur, Ananthapur District

2. Two CCs to G.P. for Transport, High Court of A.P., Hyderabad(OUT).

3. Two CD copies.